

SENATE BILL 297

A2

11r1644
CF HB 405

By: **Senators Shank, Edwards, and Young**

Introduced and read first time: January 31, 2011

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: March 15, 2011

CHAPTER _____

1 AN ACT concerning

2 **Washington County – Alcoholic Beverages – Criminal History Records**

3 FOR the purpose of requiring the Board of License Commissioners of Washington
4 County to obtain certain criminal records of an applicant for a new alcoholic
5 beverages license or for a transfer of an existing license; requiring the board to
6 establish a fee to cover certain costs of obtaining an applicant's criminal records;
7 providing that criminal records obtained under this Act are confidential, may be
8 used only for licensing purposes, shall be kept in sealed envelopes and made
9 available only to certain persons, and shall be destroyed on completion of their
10 use; providing that the failure of the Federal Bureau of Investigation to provide
11 requested criminal records by a certain date may not delay an applicant's
12 scheduled hearing or the issuance of a license; authorizing an applicant to
13 contest the contents of a certain written statement; requiring the board to adopt
14 regulations to implement this Act and preserve the confidentiality of
15 information obtained under this Act; defining certain terms; and generally
16 relating to alcoholic beverages licenses in Washington County.

17 BY adding to

18 Article 2B – Alcoholic Beverages

19 Section 10–103(e)

20 Annotated Code of Maryland

21 (2005 Replacement Volume and 2010 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article 2B – Alcoholic Beverages**

2 10–103.

3 **(E) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE**
4 **THE MEANINGS INDICATED.**

5 **(II) “APPLICANT” MEANS AN APPLICANT FOR A NEW**
6 **ALCOHOLIC BEVERAGES LICENSE OR FOR A TRANSFER OF AN EXISTING**
7 **ALCOHOLIC BEVERAGES LICENSE.**

8 **(III) “BOARD” MEANS THE BOARD OF LICENSE**
9 **COMMISSIONERS OF WASHINGTON COUNTY.**

10 **(2) THIS SUBSECTION APPLIES ONLY IN WASHINGTON COUNTY.**

11 **(3) FOR EACH APPLICANT, THE BOARD SHALL:**

12 **(I) OBTAIN CRIMINAL RECORDS OF THE APPLICANT FROM**
13 **THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE**
14 **DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;**

15 **(II) REQUIRE THE APPLICANT TO SUBMIT THE APPLICANT’S**
16 **FINGERPRINTS; AND**

17 **(III) FORWARD THE FINGERPRINTS THROUGH THE**
18 **CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY FOR**
19 **TRANSMITTAL TO THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL**
20 **CRIMINAL HISTORY RECORDS CHECK.**

21 **(4) THE BOARD SHALL ESTABLISH A FEE TO COVER THE COST OF**
22 **OBTAINING:**

23 **(I) THE APPLICANT’S FINGERPRINTS; AND**

24 **(II) THE STATE AND NATIONAL CRIMINAL RECORDS.**

25 **(5) CRIMINAL RECORDS OBTAINED UNDER THIS SUBSECTION:**

26 **(I) ARE CONFIDENTIAL AND MAY NOT BE DISSEMINATED**
27 **TO THE PUBLIC;**

28 **(II) MAY BE USED ONLY FOR LICENSING PURPOSES;**

1 (III) SHALL BE KEPT IN SEALED ENVELOPES AVAILABLE
2 ONLY TO BOARD MEMBERS, INSPECTORS, ADMINISTRATORS, AND DESIGNEES
3 OF THE BOARD; AND

4 (IV) SHALL BE DESTROYED ON COMPLETION OF THEIR
5 NECESSARY USE.

6 (6) A HEARING FOR AN APPLICANT AND THE ISSUANCE OF A
7 LICENSE MAY NOT BE DELAYED DUE TO THE FAILURE OF THE FEDERAL
8 BUREAU OF INVESTIGATION TO PROVIDE THE REQUESTED CRIMINAL RECORDS
9 BY THE DATE OF THE SCHEDULED HEARING.

10 (7) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK
11 UNDER THIS SUBSECTION MAY CONTEST THE CONTENTS OF THE PRINTED
12 STATEMENT ISSUED BY THE CENTRAL REPOSITORY UNDER § 10-223 OF THE
13 CRIMINAL PROCEDURE ARTICLE.

14 (8) THE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT
15 THIS SUBSECTION AND PRESERVE THE CONFIDENTIALITY OF THE INFORMATION
16 OBTAINED UNDER THIS SUBSECTION.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2011.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.